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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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9 BRYAN E. RANSOM,

CASE NO. 1:05-cv-00086-OWW-GSA PC

10 Plaintiff,

FINDINGS AND RECOMMENDATIONS
RECOMMENDING PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION BE
DENIED

11 v.

12 M. JOHNSON, et al.,

(Doc. 159)

13 Defendants.

14 OBJECTIONS DUE WITHIN FIFTEEN DAYS
15 _____/

16 Plaintiff Bryan E. Ransom is a state prisoner proceeding pro se and in forma pauperis in this
17 civil rights action pursuant to 42 U.S.C. § 1983. On September 4, 2008, Plaintiff filed a motion
18 seeking a preliminary injunction requiring Defendants Alameida, Diggs, Lankford, L'Etoile, and
19 their successors in office to return Plaintiff to California State Prison-Corcoran. (Doc. 159.)

20 Plaintiff was transferred from High Desert State Prison to California State Prison-Corcoran
21 in October of 2008. (Doc. 172.) Accordingly, Plaintiff's motion is moot. Nelson v. Heiss, 271 F.3d
22 891, 897 (9th Cir. 2001); Dilley v. Gunn, 64 F.3d 1365, 1368 (9th Cir. 1995); Johnson v. Moore, 948
23 F.2d 517, 519 (9th Cir. 1991). In addition, the Court lacks jurisdiction to order Plaintiff's transfer
24 to or retention in a particular prison because the issuance of such an order does not remedy any of
25 the claims in this action. 18 U.S.C. § 3626(a)(1)(A); City of Los Angeles v. Lyons, 461 U.S. 95,
26 101, 103 S.Ct. 1660, 1665 (1983); Jones v. City of Los Angeles, 444 F.3d 1118, 1126 (9th Cir.
27 2006).

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1 Accordingly, for the foregoing reasons, the Court HEREBY RECOMMENDS that Plaintiff's
2 motion for preliminary injunctive relief, filed September 4, 2008, be DENIED.

3 These Findings and Recommendations will be submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fifteen (15)**
5 **days** after being served with these Findings and Recommendations, plaintiff may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
8 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
9 1153 (9th Cir. 1991).

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12 IT IS SO ORDERED.

13 **Dated: April 13, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE